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09/917,368	07/27/2001	Jeffrey Scott Bardsley	RSW920010137US1	1486

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EXAMINER
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POPHAM, JEFFREY D

ART UNIT	PAPER NUMBER
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2137

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06/12/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/917,368

Applicant(s)

BARDSLEY ET AL.

Examiner

Jeffrey D. Popham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 5-11 and 15-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-11 and 15-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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**Remarks**

Claims 5-11 and 15-27 are pending.

1. In view of the Appeal Brief filed on 1/29/2007, PROSECUTION IS  
HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of  
the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a  
reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31  
followed by an appeal brief under 37 CFR 41.37. The previously paid notice of  
appeal fee and appeal brief fee can be applied to the new appeal. If, however,  
the appeal fees set forth in 37 CFR 41.20 have been increased since they were  
previously paid, then appellant must pay the difference between the increased  
fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening  
prosecution by signing below:



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***Response to Arguments***

2. Applicant's arguments with respect to claims 5-11 and 15-27 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
3. Claims 5-10, 15, and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Ricciulli (U.S. Patent 6,973,040).

Regarding Claim 5,

Ricciulli discloses a computer-implemented method of identifying the entry point of an attack upon a device protected by an intrusion detection system, the method comprising the steps of:

Obtaining intrusion information, from an intrusion detection system, regarding an attack upon a device protected by the intrusion detection system (Column 3, lines 16-33);

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Obtaining network information, from network equipment connected to the device, regarding the attack (Column 4, line 45 to Column 5, line 2);

Determining a logical entry point (IP addresses, as well as TCP/UDP ports are logical representations used in combination to identify the entry point) of the attack using a correlation engine to correlate the intrusion information and the network information (Column 3, lines 16-43; and Column 4, line 45 to Column 5, line 2); and

Identifying a physical entry point (the physical entry point is where the router or node actually connects to the network, on it's network interface) associated with the logical entry point (Column 3, lines 34-43).

Regarding Claim 6,

Ricciulli discloses that the intrusion information includes an address (Column 3, lines 16-33).

Regarding Claim 7,

Ricciulli discloses that the address is a source address (Column 4, line 65 to Column 5, line 2).

Regarding Claim 8,

Ricciulli discloses that the address is a destination address (Column 3, lines 16-33).

Regarding Claim 9,

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Ricciulli discloses that the network information includes a logical port identifier of a logical port associated with the address (Column 4, line 65 to Column 5, line 2).

Regarding Claim 10,

Ricciulli discloses that the step of determining a logical entry point includes the step of finding, in the network information, the logical port identifier of the logical port associated with the address (Column 3, lines 29-43; and Column 4, line 45 to Column 5, line 2).

Regarding Claim 15,

Ricciulli discloses that the network equipment includes a firewall with routing function (Column 3, lines 16-28; and Column 4, lines 45-64).

Regarding Claim 18,

Ricciulli discloses that the intrusion detection equipment includes network based intrusion detection equipment (Column 5, lines 3-26).

Regarding Claim 19,

Ricciulli discloses that the intrusion detection equipment includes host based intrusion detection equipment (Column 3, lines 29-33).

Regarding Claim 20,

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Ricciulli discloses that the intrusion detection system includes application based intrusion detection equipment (Column 5, lines 27-37).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11, 17, and 21-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ricciulli in view of Skirmont (U.S. Patent 6,553,005).

Regarding Claim 11,

Ricciulli discloses that the step of identifying a physical entry point includes the step of identifying an interface associated with the logical port (Column 3, lines 34-43); but may not explicitly disclose identifying a physical port associated with the logical port.

Skirmont, however, discloses identifying a physical port associated with the logical port and/or identifying a physical port associated with an interface (Column 4, line 66 to Column 5, line 67). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the network device and mapping methods of Skirmont into the intrusion detection

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system of Ricciulli because such mapping is well known in the art and/or to maintain packet flows from a common source to a common destination to be routed along strict physical paths, thereby allowing for efficient detection and filtering of attacks, and/or to provide the system with efficient load balancing, thus protecting against packets being received out of order and consequently being lost/discarded.

Regarding Claim 17,

Ricciulli does not disclose that the network equipment includes a load balancer.

Skirmont, however, discloses that the network equipment includes a load balancer (Column 5, lines 52-67). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the network device and mapping methods of Skirmont into the intrusion detection system of Ricciulli because such mapping is well known in the art and/or to maintain packet flows from a common source to a common destination to be routed along strict physical paths, thereby allowing for efficient detection and filtering of attacks, and/or to provide the system with efficient load balancing, thus protecting against packets being received out of order and consequently being lost/discarded.

Regarding Claim 21,



Ricciulli discloses a method of identifying the entry point of an attack upon a device protected by an intrusion detection system, the device being one of a plurality of devices connected by a network, the method comprising the computer-implemented steps of:

Detecting an attack on the device (Column 3, lines 16-33);

Notifying a correlation engine of the attack on the device (Column 3, lines 16-33);

Obtaining intrusion information regarding the attack (Column 3, lines 16-33);

Obtaining network information regarding the attack (Column 4, line 45 to Column 5, line 2);

Using the correlation engine, correlating the intrusion information and the network information to produce correlation information (Column 3, lines 16-43; and Column 4, line 45 to Column 5, line 2);

Using the correlation information, finding on the network a logical port of connection used by the attack (Column 3, lines 16-43; and Column 4, line 45 to Column 5, line 2); and

Mapping the logical port on the network to an interface on the network using the correlation engine (Column 3, lines 34-43); but may not explicitly disclose identifying a physical port associated with the logical port.

Skirmont, however, discloses identifying a physical port associated with the logical port and/or identifying a physical port associated with an interface (Column 4, line 66 to Column 5, line 67). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the network device and mapping methods of Skirmont into the intrusion detection system of Ricciulli because such mapping is well known in the art and/or to maintain packet flows from a common source to a common destination to be routed along strict physical paths, thereby allowing for efficient detection and filtering of attacks, and/or to provide the system with efficient load balancing, thus protecting against packets being received out of order and consequently being lost/discarded.

Regarding Claim 22,

Ricciulli as modified by Skirmont discloses the method of claim 21, in addition, Ricciulli discloses alerting a network manager to the location of the logical port and of the physical port (Column 3, lines 16-50).

Regarding Claim 23,

Ricciulli as modified by Skirmont discloses the method of claim 21, in addition, Ricciulli discloses that the step of mapping is performed using the correlation engine (Column 3, lines 34-43).

Regarding Claim 24,

Ricciulli as modified by Skirmont discloses the method of claim 21, in addition, Ricciulli discloses that the intrusion information includes an address (Column 3, lines 16-33); and the network information includes a logical port identifier of a logical port associated with the address (Column 4, line 65 to Column 5, line 2).

Regarding Claim 25,

Ricciulli discloses an apparatus for detecting a point of an attack on a network, the apparatus comprising:

Network equipment for connecting a protected device to a network (Column 3, lines 16-28);

An intrusion detection system comprising intrusion detection equipment (Column 3, lines 16-33);

A correlation engine (Column 3, lines 16-43; each of the system's routers contains this correlation engine, used to determine the entry point of an attack based upon stored and received information) adapted to:

Receive a notification of an attack on the protected device (Column 3, lines 16-33);

Receive intrusion information regarding the attack (Column 3, lines 16-33);

Receive network information regarding the attack, wherein the network information pertains to the network (Column 4, line 45 to Column 5, line 2);

Correlate the intrusion information and the network information to produce correlation information (Column 3, lines 16-43; and Column 4, line 45 to Column 5, line 2);

Use the correlation information to find on the network a logical port of connection used by the attack (Column 3, lines 16-43; and Column 4, line 45 to Column 5, line 2); and

Map the logical port on the network to an interface on the network using the correlation engine (Column 3, lines 34-43); but may not explicitly disclose identifying a physical port associated with the logical port.

Skirmont, however, discloses identifying a physical port associated with the logical port and/or identifying a physical port associated with an interface (Column 4, line 66 to Column 5, line 67). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the network device and mapping methods of Skirmont into the intrusion detection system of Ricciulli because such mapping is well known in the art and/or to maintain packet flows from a common source to a common destination to be routed along strict physical paths, thereby allowing for efficient detection and filtering of attacks, and/or to provide the system with efficient load balancing, thus protecting against packets being received out of order and consequently being lost/discarded.

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Regarding Claim 26,

Ricciulli as modified by Skirmont discloses the apparatus of claim 25, in addition, Ricciulli discloses means for alerting a network manager to the location of the logical port and the physical port (Column 3, lines 16-50).

Regarding Claim 27,

Ricciulli as modified by Skirmont discloses the apparatus of claim 25, in addition, Ricciulli discloses that the intrusion information includes an address (Column 3, lines 16-33); and the network information includes a logical port identifier of a logical port associated with the address (Column 4, line 65 to Column 5, line 2).

5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ricciulli in view of ND (Hunt et al., "Network Dispatcher: a connection router for scalable Internet services", 10/2/1998, Internet Security Systems, obtained from <http://www.unizh.ch/home/mazzo/reports/www7conf/fullpapers/1899/com1899.htm>).

Ricciulli does not disclose that the network equipment includes a network dispatcher.

ND, however, discloses that the network equipment includes a network dispatcher (Pages 1-2, Introduction, Paragraphs 1-4). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the network dispatcher of ND into the

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intrusion detection system of Ricciulli in order to allow the system to protect a broader range of network equipment, thus increasing the types of routers that can be used and protected by the system, and to reach those customers that use network dispatchers.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey D. Popham whose telephone number is (571)-272-7215. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571)272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Jeffrey D Popham  
Examiner  
Art Unit 2137

  
EMMANUEL L. MOISE  
SUPERVISORY PATENT EXAMINER